

2011 DRAFTING REQUEST

Bill

Received: **02/14/2011**

Received By: **phurley**

Wanted: **As time permits**

Companion to LRB:

For: **Andre Jacques (608) 266-9870**

By/Representing:

May Contact:

Drafter: **phurley**

Subject: **Criminal Law - procedure
Courts - courts/judges/commsrs**

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Jacque@legis.wi.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Eliminate right of substitution for criminal defendants

Instructions:

redraft 99 AB 201 (see email of 2-14-11)

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	phurley 02/14/2011	edt_sbasford 02/28/2011		_____			S&L
/1			phenry 02/28/2011	_____	lparisi 02/28/2011	ggodwin 04/20/2011	

FE Sent For:

At Intro.

<END>

2011 DRAFTING REQUEST

Bill

Received: **02/14/2011**

Received By: **phurley**

Wanted: **As time permits**

Companion to LRB:

For: **Andre Jacques (608) 266-9870**

By/Representing:

May Contact:

Drafter: **phurley**

Subject: **Criminal Law - procedure
Courts - courts/judges/commsrs**

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Jacque@legis.wi.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Eliminate right of substitution for criminal defendants

Instructions:

redraft 99 AB 201 (see email of 2-14-11)

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	phurley 02/14/2011	edt_sbasford 02/28/2011		_____			S&L
/1			phenry 02/28/2011	_____	lparisi 02/28/2011		

FE Sent For:

<END>

2011 DRAFTING REQUEST

Bill

Received: 02/14/2011

Received By: phurley

Wanted: As time permits

Companion to LRB:

For: Andre Jacque (608) 266-9870

By/Representing:

May Contact:

Drafter: phurley

Subject: Criminal Law - procedure
Courts - courts/judges/commsrs

Addl. Drafters:

Extra Copies:

Submit via email: YES

Requester's email: Rep.Jacque@legis.wi.gov

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Eliminate right of substitution for criminal defendants

Instructions:

redraft 99 AB 201 (see email of 2-14-11)

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
1/?	phurley	1 SBB 2/14	2/28 ph	2/28 ph/no			
FE Sent For:		1/25 jld					

<END>

Hurley, Peggy

From: Jacque, Andre
Sent: Sunday, February 13, 2011 3:05 AM
To: Hurley, Peggy
Subject: Drafting Request

Hello Peggy,

Could you also please redraft for me 1999 AB 201 relating to the elimination of judge substitution without showing cause for criminal cases? As always, I can be reached at 920-819-8066 with any questions.

Thanks!
André

2011 BILL

1999 ASSEMBLY BILL 201

March 15, 1999 - Introduced by Representatives WALKER, KRUSICK, GUNDRUM, LADWIG, F. LASEE, PORTER, HAHN, JENSEN, BRANDEMUEHL, ZIEGELBAUER, OLSEN, M. LEHMAN, MUSSER, SKINDRUD, PLALE, ALBERS, STONE, GUNDERSON, KELSO, MONTGOMERY, NASS, SERATTI, OWENS, POWERS and KEDZIE, cosponsored by Senators DARLING, ROESSLER, FARROW, ZIEN and FITZGERALD. Referred to Committee on Corrections and the Courts.

4
Gen Cat
1 AN ACT *to repeal* 971.20 of the statutes; relating to: eliminating substitution
2 of judges in criminal matters. ✓

Analysis by the Legislative Reference Bureau

Under current law, there are (2) methods by which a judge who is scheduled to handle a case is replaced: disqualification and substitution. A judge is required to disqualify himself or herself in a case if the judge may be considered to have an interest in the matter, such as if the judge is related to a party, has previously been involved with the case as counsel, or has a significant financial or personal interest in the outcome. ✓

Substitution is the method by which parties in the case may have a judge who is scheduled to handle a case taken off the case without having to give a reason. Each party in a civil case and the defendant in a criminal case generally have a right to one substitution, except that additional substitution rights occur in certain cases if there is a successful appeal or if the judge who handles a preliminary hearing is assigned to handle the trial. ✓

This bill retains the provisions relating to the disqualification of a judge, but eliminates the defendant's right to substitution of a judge in criminal matters. *

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

✓ for both civil and criminal matters

ASSEMBLY BILL 201

SECTION 1. 971.20 of the statutes is repealed.

SECTION 2. Initial applicability.

(1) This act first applies to actions commenced on the effective date of this subsection. ✓

(END)

Godwin, Gigi

From: Rep.Jacque
Sent: Wednesday, April 20, 2011 2:05 PM
To: LRB.Legal
Subject: Draft Review: LRB 11-1440/1 Topic: Eliminate right of substitution for criminal defendants

Please Jacket LRB 11-1440/1 for the ASSEMBLY.